

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE TREMONT SECURITIES LAW :
STATE LAW AND INSURANCE : Master File No.
LITIGATION : 08-11117 (TPG)
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This Document Relates to: All Actions : ECF CASE
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**SETTLING CLASS MEMBER MERITAGE CAPITAL, LLC'S
JOINER IN AUSTIN CAPITAL BMP FUND, LLC'S RESPONSE IN
OPPOSITION TO THE FEBRUARY 27, 2015 MOTION BY SETTLING CLASS
PLAINTIFFS FOR APPROVAL OF DISTRIBUTION OF NET SETTLEMENT FUND**

Meritage Capital, LLC ("Meritage"), one of the Settling Class Members in this action, by and through its undersigned counsel, Golenbock Eiseman Assor Bell & Peskoe LLP, hereby joins in the Response by Austin Capital BMP Fund, LLC ("ACM") in Opposition ("ACM's Response in Opposition") to the Motion by Settling Class Plaintiffs for Approval of Distribution of Net Settlement Fund (the "Second Notice/Motion for Distribution of NSF"). The Second Notice/Motion for Distribution of NSF was filed by counsel for the Settling Class Plaintiffs¹ on February 27, 2015 [ECF Nos. 1003, 1004 and 1005]. ACM's Response in Opposition was filed on March 27, 2015 [ECF No. 1011].

Meritage hereby joins in ACM's Response in Opposition in its entirety, and incorporates the Response in Opposition by reference, as if set forth fully herein. For the reasons set forth in ACM's Response in Opposition, Meritage respectfully requests that this Court (i) grant the Settlement Class Members additional time to conduct discovery regarding the "settlement proposal" with the Opt-Out Plaintiffs (as defined in ACM's Response in Opposition)

¹ As defined in their Memorandum of Law [ECF No. 1004].

and (ii) refrain from issuing any ruling on a proposed distribution for the NSF, and in particular, any ruling on the proposed readmission to the Settlement Class of the Opt-Out Plaintiffs, until the completion of the discovery sought by ACM and a further hearing before this Court.

Dated: New York, New York
March 27, 2015

GOLENBOCK EISEMAN ASSOR BELL
& PESKOE LLP

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